

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested. Claims 1-11 and 15-17 are pending in this application. Claim 1 is the independent claim.

Rejections under 35 U.S.C. § 103(a)

Vanden Berghe/Bronder

Claims 1-4, 6-11, and 15-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Vanden Berghe (EP 1 110 909 A1) in view of Bronder (US 5,922,360). Applicants respectfully traverse this rejection for the reasons detailed below.

The outstanding Office Action on page 3, lines 19-20, acknowledges that Vanden Berghe fails to disclose “the stabilization of orthosilicic acid with a quaternary ammonium compound such as choline chloride” and relies on the teachings of Bronder for this feature of claim 1. Applicants respectfully disagree.

As is attested to in the attached declaration by Chris Vervaet, one skilled in the art would recognize that the “stabilizing agents” of Bronder are solid compounds, and not liquid between -10 and 40 °C, as the solvent agents defined in Vanden Berghe. Therefore, Applicants submit that one skilled in the art would not have been motivated to include the compound in Bronder with

the method of preparing a silicic acid extrudate as disclosed in Vanden Berghe.

The Examiner further states that Bronder discloses a solution containing the solid compound choline chloride, and as such discloses intrinsically a stabilizing agent which is liquid between -10 °C and 40 °C. As is attested to in the attached declaration by Chris Vervaet, one skilled in the art would not have a reasonable expectation of success for using choline chloride as disclosed in Bronder as the stabilizing agent for the method disclosed in Vanden Burghe.

CONCLUSION

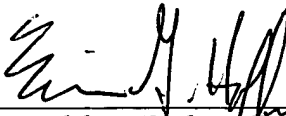
In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants hereby petition for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$130.00 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Erin G. Hoffman, Reg. No. 57,752, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,
HARNESS, DICKEY, & PIERCE, P.L.C.

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DJD/EGH:ljs

Enclosure: 1.132 Declaration executed by Professor Chris Vervaet